

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7358

BILL NUMBER: HB 1325

NOTE PREPARED: Apr 3, 2003

BILL AMENDED: Feb 6, 2003

SUBJECT: False Complaints Against Police.

FIRST AUTHOR: Rep. Goodin

FIRST SPONSOR: Sen. C. Meeks

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that making a false complaint against a law enforcement officer is a Class B misdemeanor. It also makes pointing a laser pointer at a State Police motor carrier inspector a Class B misdemeanor.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) The bill would add making a false complaint alleging that a law enforcement officer violated a law enforcement agency's departmental rule or procedure while performing the officer's duties to the definition of false informing. This is currently a Class B misdemeanor. Also, knowingly or intentionally pointing a laser pointer at a State Police motor carrier inspector would be added to the existing Class B misdemeanor that covers public safety officers. There are no data available to indicate if these changes in crime definitions would increase the number of offenders convicted of these crimes.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The

average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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